

Amesbury City Council Minutes  
Tuesday, April 9, 2013  
7:00PM City Hall Auditorium

Councilor Ferguson called the meeting to order at 7:05 pm.  
Pledge of Allegiance – Robert Lavoie

Roll Call: Robert Lavoie, Donna McClure, Joseph McMilleon, Allen Neale, Christian Scorzoni, Robert Gilday, Derek Kimball, Anne Ferguson. James Kelcourse arrived at 7:25pm

Act on minutes – February 12, 2013

Councilor Neale motioned to accept, Councilor McMilleon second – Voted – 8 Yes, (Kelcourse not present)

Mayoral Appointments

**2013-050** James Humphries – Constable term to expire 6/30/2016

Councilor McClure motioned to approve 2013-050, Councilor Kimball second.

Voted – 8 Yes, (Kelcourse not present)

Licenses & Permits

**2013-039** Junk Dealers License – Friend St. Bookstore, 15 Friend St.

Elizabeth Schneider attended to represent Friend St. Bookstore.

Councilor Kimball motioned to accept per the usual stipulations, Councilor Lavoie second.

Voted – 8 Yes, 1 not present (Kelcourse)

**2013-044** Common Victualler – Jodi Bee Bakes, 14 Cedar St.

Allen Neale recused himself from the vote.

Jodi Bradbury attended to represent Jodi Bee Bakes.

Councilor Lavoie motioned to approve as per the usual stipulations, Councilor Gilday second.

Voted – 7 Yes, 1 recuse (Neale), 1 not present (Kelcourse)

**2013-040** Common Victualler – Kernos Mediterranean Kitchen, 14 Cedar St.

Despina Tsignopoulos attended to represent Kernos Mediterranean.

Councilor Lavoie motioned to approve 2013-040 per the usual stipulations, Councilor Gilday second.

Voted – 8 Yes, 1 not present (Kelcourse)

**2013-041** Common Victualler – Stone Oven Catering, 14 Cedar St.

Tim Wolff attended to represent Stone Oven Catering.

Councilor Lavoie motioned to approve 2013-041 per the usual stipulations, Councilor Gilday second.

Voted – 8 Yes, 1 not present (Kelcourse)

**2013-042** Common Victualler – Tangerine Custom Cakes and Fine Pastries, 14 Cedar St.

Linda Currier & Shaunna Hichen - Joyal attended to represent Tangerine Custom Cakes and Fine Pastries.

Councilor Lavoie motioned to approve 2013-042 per the usual stipulations, Councilor Gilday second.

Voted – 8 Yes, 1 not present (Kelcourse)

**2013-043** Common Victualler – Exclusivechefs, 14 Cedar St.

Marco Salerno attended to represent Exclusivechefs.

Councilor Lavoie motioned to approve 2013-043 per the usual stipulations, Councilor Gilday second.

Voted – 8 Yes, 1 not present (Kelcourse)

**2013-045** General Business – Megahertz Computer Inc. d/b/a Amesbury Duplicate Bridge Club, 19 Macy St.

Robert Bertoni did not attend the meeting, President Ferguson continued 2013-045 to the May City Council meeting.

**2013-046** General Business – Antonia Smith – At the Lighthouse, 137 Haverhill Rd.

Antonia Smith withdrew her application for a general Business license and asked if she could be refunded the \$25.00 application fee.

Councilor Lavoie motioned to refund \$25.00, Councilor McMilleon second. Voted - Unanimous

**2013-047** General Business – Diana's Studio, 75 Main St, #69, 71

Diana Ngyen attended to represent Diana's Studio.

Councilor Kimball motioned to accept 2013-047 as per the usual stipulations, Councilor Neale second. Voted –8 Yes, 1 abstain (Kelcourse)

**2013-048** General Business – 83 West Studio, Inc., 75 Main St, #73

Nicole Grasso-Correnti attended to represent 83 West Studio, Inc.

Councilor Neale motioned to accept as per the usual stipulations, Councilor McMilleon second. Voted – 9 Yes, Unanimous

**2013-49** General Business – Ed Justen d/b/a Workspace Ventures, 36 Main St (address change only)

Ed Justen attended to represent Workspace Ventures.

Councilor Neale motioned to accept 2013-049 per the usual stipulations, Councilor Gilday second. Voted – 9 Yes, Unanimous

**2013-052** 2013 Renewals – Weekday/Sunday Pool Table & Bowling Licenses

Councilor Gilday read into the record the 2013 Weekday/Sunday Pool Table & Bowling Licenses

Councilor Kelcourse motioned to accept 2013-052 as per the usual stipulations, Councilor Neale second. Voted – 9 Yes, Unanimous

**2013-053** 2013 Renewals – Junk Dealer/Antique/Second Hand Licenses

Councilor Gilday read 2013-053 into the record.

Councilor Lavoie motioned to approve 2013-053 per the usual stipulations, Councilor Neale second. Voted – 9 Yes, Unanimous

**2013-054** 2013 Renewal – Auctioneer

Councilor Gilday read 2013-054 into the record.

Councilor Lavoie motioned to approve 2013-054 as per the usual stipulations, Councilor Gilday second. Voted - 9 Yes, Unanimous

Late File 2013-055

Councilor McMilleon motioned to accept the late file, Councilor Gilday second.

Voted – 9 Yes, Unanimous

**2013-055** Automatic Amusement – Riverwalk Lanes & Games, 11 High Street

Stephen Mooney attended to represent Riverwalk Lanes & Games.

Councilor Kimball motioned to approve 2013-055 per the usual stipulations, Councilor Gilday second.  
Voted – 9 Yes, Unanimous

## **Correspondence**

### **President/Vice President Communications**

President Ferguson stated the Assistant City Clerk Christine Reed is retiring and Sharon Dunning has been appointed Assistant City Clerk.

President Ferguson stated Amesbury for Africa just celebrated their 25<sup>th</sup> Anniversary.

President Ferguson mentioned that there was a fundraiser for Amesbury High Track Coach, Mike Farmer who is battling an illness. If anyone is still interested in donating it will be on the website of where to do so.

Councilor McClure read answers to Michael Greaney's questions into the record; Councilor Ferguson checked with the Chief in regard to the trailers behind the Fire Station and Pope Housing is the company that the city rents from and entered into a rental agreement with them in April of 2010. The total cost to date is \$102,250.00. Mr. Basque has any changing numbers and thanked for the inquiry.

Councilor Kimball asked for information from Representative Costello and Senator O'Connor-Ives of what is happening at the state level with regards to the budget.

Councilor Ferguson stated that she had talked with the Chief of Staff at Senator O'Connor-Ives office and she will get something in.

#### **b. Communication from Elected Officials, Boards and Commissions**

**2013-051** Election Warrant – April 30, 2013 – Senator in Congress

Councilor Gilday read 2013-051 into the record.

Councilor Lavoie motioned to accept 2013-051 as submitted, Councilor McMilleon second.

Voted – 9 Yes, Unanimous

## **Public Comment**

Michael Greaney, 50 Orchard Street – Mr. Greaney stated that his reason for bringing up the Trailers behind the Fire Station is so that the public knows how much we are spending.

James N. Thivierge, 106 Friend St spoke about the Boston Globe story of April 3 regarding foreclosures in communities that had greater than three and did a comparison across the state and Amesbury, was the worst.

## **Council Response to Public Comment**

Councilor Ferguson stated that she sent Mr. Greaney the response to what he requested because he has asked for it before and when she read it into public comment he was not listening that day and I wanted to be sure that he had it in case he wasn't able to come to the meeting this time.

## Public Hearings

**2013-037** An Order to authorize the Mayor to accept, on behalf of the City, a parcel of land located at 25 Water Street – Mayor Kezer sponsor

Councilor Lavoie stated that the recommendation from the Ordinance Committee was to send back to the City Council with the recommendation for approval with a condition that the Mayor only be authorized to accept title to the land and record the deed conveying the property to the city if the property is clean or unless the source of non municipal funding has been secured to pay for the environmental clean up of the property to make it clean and it was voted Unanimous.

Councilor Neale stated that the Finance Committee recommendation was for approval with the condition that the Mayor only be authorized to accept title to the land and record the deed conveying the property to the city if the property is clean or unless the source of non municipal funding has been secured to pay for the environmental clean up of the property to make it clean and it was voted Unanimous.

Councilor McMilleon stated that he is in agreement with this stipulation however; this is not in the Memorandum of Understanding.

There was discussion about the Memorandum of Understanding and the recommendations from the committees.

Councilor McClure stated that she feels they should not commit to anything until they all have had time to read and understand the red lined version of the MOU that was received tonight.

Mayor Kezer stated that this document is a non binding agreement between the Mayor and the seller of the property in order to demonstrate to the state the structure of a proposed purchase and sale agreement in order to show the state that we will be obtaining control of that parcel of land in order to meet the obligations of the grant. All of the red line changes and edits come from your side of the time in terms of the questions and concerns. The intent here is that the potential use by the current owner as parking or empty space only imposes a certain level of liability on the current owner for that use. By transferring that land to the city and making it part of a park, the use we will use it for requires a higher level of cleaning of the property. That is why in the exchange that we were willing to take the added risk because of the added use. There is a provision in there that states that if we find something that we don't like, all parties walk away and the deal is over. There is a safety mechanism in there. He urged the Council to either vote this up or down tonight.

Councilor Scorzoni commented on his frustration as to why this has to move so fast now since this was first addressed last August.

Councilor Ferguson opened the pubic hearing

Michael Greaney, Orchard St., stated that test holes should have been done on the property before this was even considered.

Dan Healey, Water St., stated that he is donating the land for \$1.00. They did test pits and witnessed no surprises. He thanked the City Council for all their hard work and also commented on how proud the community should be with the Council for all the hard work they do on everything that comes before them and the time that they take on each item.

Claude Gonthier, Kimball Rd, questioned owning/in control of the land to apply for a grant. What happens if it is contaminated and we can't use it, how does that change the picture?

Jane Snow, Fern Ave., commented that she feels the document received last night should have time to be reviewed and not vote on this until you own the land. That piece of land is the key to the whole project and if we don't own it then we don't have a project.

Michael Browne, Woodlawn St., stated that he hopes this goes forward.

Jim Thivierge, Friend St., stated that there is a cost to this; we are going to lose revenues on this property. He stated that if they are not sure about this then they should delay it.

Matt Sherrill, Elm St., stated that with the Chamber of Commerce they conducted a survey and of 180 returned surveys, 158 people said yes they are in support of the Lower Millyard Redevelopment. There is no reason to delay this vote.

Councilor Ferguson closed the public hearing.

The Councilors gave their comments on whether they were for or against taking a vote on this at this time.

Councilor Kelcourse moved the Finance Committee and Ordinance Committee recommendations for approval with the condition that the Mayor only be authorized to accept title to the land and record the deed conveying the property to the city if the property is clean or unless the source of non-municipal funding has been secured to pay for the environmental clean up of the property to make it clean. Councilor Kimball seconded. Roll Call Vote - 9 Yes

**2013-033** An Order to request the Amesbury City Council to vote to appropriate Seven Hundred Twenty-Five Thousand dollars (\$725,000) to construct a public park at the Back and Powow Rivers on Water Street. – Mayor Kezer sponsor

Summary: to provide for the construction of a public park on property owned by the City of Amesbury on Water Street to include a canoe and kayak launch, public assembly area, historic panels, pathways and a sitting area.

Be it ordered by the City Council of the City of Amesbury assembled and by the authority of the same as follows: That Seven Hundred Twenty-Five Thousand dollars (\$725,000) is appropriated for the design, engineering, and construction of a public park on property owned by the City of Amesbury along the Back and Powow Rivers on Water Street; and to meet this appropriation, the Treasurer with the approval of the Mayor is authorized to borrow \$725,000 under M.G. L. Chap. 44 § 7 (25) or any other enabling authority; that the mayor is authorized to contract for and expend any federal or state aid available for the project, provided that the amount of the authorized borrowing shall be reduced by the amount of such aid received prior to the issuance of bonds under this order; and the Mayor is authorized to take any other action necessary to carry out this project.

Councilor Neale stated that at the Finance Committee Councilor Ferguson recommended to send 2013-033 back to the City Council with approval subject further recommendation that the City Council study and be completely satisfied with the Memorandum of Understanding be arrived between the current owner of 25 Water Street and the City of Amesbury. Councilor Gilday seconded and it was voted 8 In Favor and 1 Opposed.

Councilor Lavoie stated that at the Ordinance Committee Attorney Johnson moved to send 2013-033 back to the Municipal Council with a recommendation for approval as submitted. Attorney Casey seconded and it was voted In Favor Unanimously by the five member committee.

Councilor Ferguson opened the public hearing.

James Thivierge, Friend St, stated that he hoped this council never adopts a team approach to anything and that they act on an individual basis on behalf of their districts and their constituents.

Barbara Laurent stated that she is looking forward to this project getting completed.

Jane Snow stated that she sent an e-mail to the Councilor's for them to clarify the balance.

Nicholas Cracknell, Picard St., spoke in favor of the project.

Councilor Ferguson closed the public hearing.

Councilor Kelcourse moved to accept 2013-033; An order to request the Amesbury City Council to vote to appropriate Seven Hundred Twenty-Five Thousand dollars (\$725,000) to construct a public park at the Back and Powow Rivers on Water Street. Councilor Kimball seconded. A roll Call Vote was taken – In Favor-Unanimous.

**2013-036** A Resolution to accept a grant in the amount of \$400,000 from the Massachusetts Executive Office of Energy and Environmental Affairs – Mayor Kezer sponsor

Councilor Neale read the Finance Committee recommendation of Councilor McMilleon to send to the City Council for approval. Councilor Kelcourse seconded and it was voted by Roll Call In Favor Unanimously

Councilor Lavoie read the Ordinance Committee recommendation of Councilor Kelcourse to send to the City Council for adoption as submitted and it was voted Unanimous

Councilor Ferguson opened and closed the public hearing.

Councilor Lavoie moved the Finance and Ordinance Committees recommendation for approval as submitted. Councilor Neale seconded and a roll call vote In Favor was Unanimous.

**2013-038** An Order to create the Amesbury Heritage Park – Mayor Kezer sponsor

Councilor Neale read the Finance Committee recommendation of Councilor Ferguson who moved to send to the City Council with a recommendation for approval. Councilor McMilleon seconded and it was voted Unanimous.

Councilor Lavoie read the Ordinance Committee recommendation of Councilor Kelcourse who moved to send 2013-038 to the City Council with a recommendation for approval but amended to include; this bill to take effect upon the City of Amesbury taking title to 25 Water Street in accordance with the terms and conditions contained in bill #2013-037. Councilor Kimball seconded and it was voted Unanimously.

Councilor Ferguson opened and closed the public hearing.

Councilor Kelcourse moved the Ordinance Committee recommendation for approval as amended for this bill to take effect upon the City of Amesbury taking title to 25 Water Street in accordance with the terms and conditions contained in 2013-037. Councilor Gilday seconded and a roll call vote was taken and it was Unanimous.

**2013-034** An Order to request the City Council to vote to appropriate \$200,000 from Free Cash for various projects – Mayor Kezer sponsor

**2013-034A** \$125,000 – Improvements of City Parks  
**2013-034B** \$ 25,000 – Restoration of Monuments and War Memorials  
**2013-034C** \$ 20,000 - Solar Park Development Consultant  
**2013-034D** \$ 30,000 - Branding Consultant

Councilor Neale read the recommendation of the Finance Committee:

Councilor Gilday moved to recommend approval of 2013-034A as amended: \$125,000 Improvements of City Parks; provided that not less than \$100,000 shall be expended for the purchase and installation of playground equipment and supporting amenities at Town Park and; provided further that not less than \$25,000 shall be expended for the installation of playground equipment and to repair the basketball court at the Collins Street Park.. Councilor Lavoie seconded. Roll Call Vote: Unanimous

Councilor Ferguson moved to recommend approval of 2013-034B, \$25,000 Restoration of Monuments and War Memorials. Councilor Gilday seconded. Roll Call Vote: 8 Yes, 1 No

Councilor Ferguson moved to recommend approval of 2013-034C \$20,000 Solar Park Development Consultant. Councilor Gilday seconded. Roll Call Vote: 7 - Yes, 2- No

Councilor Ferguson moved to recommend approval of 2013-034D \$30,000 for Branding/Marketing Consultant. Councilor Gilday seconded. Roll Call Vote: 5 Yes, 4-No

Councilor Ferguson opened the public hearing.

Michelle Sanchez spoke in favor of the park.

Claude Gonthier stated that he was not in favor of 034D. It is not the time to spend even if it is only \$30,000.00 and hopes it is not approved.

Councilor Ferguson read a message from Rosemary Werner who is in support of the War Memorials restoration.

Councilor Ferguson closed the public hearing and then allowed Richard Gale to speak.

Mr. Gale stated that the parks account does a lot of good for this community and asked for anything that is left over to be given to the Amesbury Improvement Association.

#### **2013-034A**

Councilor Kelcourse moved the Finance Committee recommendation as amended: \$125,000 Improvements of City Parks; provided that not less than \$100,000 shall be expended for the purchase

and installation of playground equipment and supporting amenities at Town Park and; provided further that not less than \$25,000 shall be expended for the installation of playground equipment and to repair the basketball court at the Collins Street Park. Councilor Kimball seconded. Roll Call Vote - 9 -Yes

#### **2013-034B**

Councilor Neale moved the Finance Committee recommendation for approval of \$25,000 for Restoration of Monuments and War Memorials. Councilor McMilleon seconded. Roll Call Vote - 9 -Yes

#### **2013-034C**

Councilor Neale Moved the Finance Committee recommendation for approval of \$20,000 for Solar Park Development Consultant. Councilor Lavoie seconded. Roll Call Vote - 9 - Yes

#### **2013-034D**

Councilor Neale moved the Finance Committee recommendation for approval of \$30,000 for a Branding/Marketing Consultant. Councilor Gilday seconded. Roll Call Vote - 5-No, 4-Yes **Motion Fails**

Lavoie - Yes, McClure - No, McMilleon - No, Neale - Yes, Scorzoni - No, Gilday - Yes, Kelcourse - No, Kimball - No, Ferguson - Yes

A five minute recess was taken.

**2013-035** An Order to request the City Council to vote to appropriate \$200,000 from Free Cash for the repair and maintenance of streets and sidewalks. – Mayor Kezer sponsor

Councilor Neale read the Finance Committee recommendation of Councilor Ferguson who moved to send to the City Council with a recommendation for acceptance. Councilor Gilday seconded the motion and it was voted Unanimous.

Councilor Ferguson opened the public hearing.

Rob Desmarais stated that he has provided the councilors with the infrastructure and pavement plan and the money would be used for streets and sidewalks.

Councilor Ferguson closed the public hearing.

Councilor McMilleon moved the Finance Committee recommendation for approval. Councilor Neale seconded. Roll Call Vote - 9 Yes

**2013-028** An Order to accept from True Homestead Limited Partnership 1 a trail easement, located on Elm Street, for use as part of a public recreational trail – Mayor Kezer sponsor

Councilor Ferguson opened the public hearing.

Nipun Jain stated that the proposed easement is the area that the proposed hotel is located. The area as well as the language has been recommended for approval by the Coastal Trails Coalition which is a partner with Amesbury in providing trails. It has also been approved by the City's Legal Counsel and the True Homestead Partnership.



Councilor Lavoie read the motion of the approval and it was Unanimous.

Ordinance Committee which was to recommend

Councilor Ferguson closed the public hearing

Councilor Neale moved the Ordinance Committee recommendation for adoption as submitted. Councilor Lavoie seconded. Roll Call Vote - 9 Yes

**2013-029** An Order to amend the polling location for elections by replacing the words "Amesbury High School Cafeteria" with "Amesbury High School."- Mayor Kezer sponsor

Councilor Lavoie read the Ordinance Committee recommendation which was to approve as submitted and it was Unanimous.

Councilor Ferguson opened and closed the public hearing.

Councilor Kelcourse moved the Ordinance Committee recommendation for approval as submitted. Councilor Gilday seconded. Voted Unanimous (9 Members)

Councilor Lavoie moved to continue 2013 025, 2013-30 and 2013-31 to the May Council meeting. Councilor Kelcourse seconded and it was voted Unanimous.

Councilor Neale moved to adjourn at 10:45 pm. Councilor Gilday seconded. Voted Unanimous  
Adjourn

Respectfully Submitted,

Sharon Dunning  
Assistant City Clerk